

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.

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BROOKLYN OFFICE

-----X
ZAIRE PAIGE,

Plaintiff,

-against-

RASHAN LACOSTE, *et al.*,

Defendants.
-----X

ORDER AND CIVIL JUDGMENT

10-CV-3356 (SLT)(RER)

TOWNES, United States District Judge:

On August 24, 2011, Magistrate Judge Reyes issued a Report and Recommendation (the "R&R"), recommending that this action be dismissed for failure to obey a court order unless plaintiff (1) executed and returned certain releases to Corporation Counsel within the time allotted for objections to that R&R and (2) filed an affidavit with the Court indicating his compliance. On October 13, 2011, this Court mailed a second copy of the R&R to plaintiff, directed Corporation Counsel to serve plaintiff with another copy of the releases by October 21, 2011, and extended plaintiff's time to return the releases to November 14, 2011.

On October 14, 2011, this Court received an affidavit from *pro se* plaintiff Zaire Paige, asking, among other things, why this action was "being dismissed." Writ of Discovery, dated Sept. 27, 2011, at 1. In a Memorandum and Order dated October 24, 2011, this Court responded to plaintiff's inquiry by noting that this action had not yet been dismissed. Memorandum and Order dated Oct. 24, 2011, at 1-2. However, the Court warned plaintiff that the action would be dismissed unless he took action before November 14, 2011. *Id.* at 3.

To date, plaintiff has not filed an affidavit with the Court indicating that he has executed and returned the required releases to Corporation Counsel. In addition, plaintiff has not filed any objections to the R&R. Since the Court is not required to review the factual or legal conclusions

of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed, *see Thomas v. Arn*, 474 U.S. 140, 150 (1985), this Court adopts the R&R in its entirety. Accordingly, it is:

ORDERED, ADJUDGED AND DECREED: That this action is dismissed. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. In addition, plaintiff is advised that by failing to file timely objections to the R&R, he has waived the right to appeal this Order. *See Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

SO ORDERED.

/S/

SANDRA L. TOWNES
United States District Judge

Dated: November 28, 2011
Brooklyn, New York